

Mayor Anthony Foxx

John Autry

Warren Cooksey

Claire Fallon

Patsy Kinsey

James E. Mitchell, Jr.

Mayor Pro-Tem Patrick Cannon

Michael D. Barnes

Andy Dulin

David Howard

LaWana Mayfield

Beth Pickering

CITY COUNCIL ZONING AGENDA

Monday, May 20, 2013

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Meeting
Meeting Chamber

DINNER MEETING

- **Review of Agenda – Tammie Keplinger**
- **Area plan status & text amendment update – Debra Campbell**

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

HISTORIC LANDMARKS

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held July 15, 2013 by the City Council on the Question of designating the property known as the “Long Creek Mill Ruin” (listed under Tax Parcel Numbers 02516106 and 02516108 as of April 15, 2013, and including the land and all features of Tax Parcel Numbers 02516106 and 02516108) as an Historic Landmark. The property is owned by Mecklenburg County, and is located at 8508 and 8604 Beatties Ford Road, Charlotte, North Carolina.</p> <p>Attachment 1</p>
	<p>2. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held July 15, 2013 by the City Council on the Question of designating the property known as the “Tuckaseegee Ford and Trail” (listed under Tax Parcel Numbers 05310199, 05311107 and 05311108 as of April 15, 2013, and including portions of Tax Parcel 05310199 totaling approximately 4.3 acres, and all of the land listed under Tax Parcels 05311107 and 05311108) as an Historic Landmark. The property is owned by Mecklenburg County and Duke Energy Corporation, and is located at 5000 Whitewater Center Parkway, Charlotte, North Carolina.</p> <p>Attachment 2</p>

DECISIONS

	<p>3. <u>Petition No. 2013-004</u> (Outside City Limits) by River Rock Properties, LLC for a change in zoning for approximately 2.63 acres located at the southeast corner of the intersection of York Road and Grand Palisades Parkway from R-3(LLWCA) and MX-3(LLWCA) to O-1(CD)(LLWCA).</p> <p>This petition is found to be consistent with the <i>Steele Creek Area Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications.</p> <ol style="list-style-type: none"> 1. Modified the “Lighting” note on Sheet Z-1.0 to indicate freestanding lighting will be limited to 25 feet in height. 2. Indicated and labeled on Sheet Z-2.0 the existing curb lines along Grand Palisades Parkway to where they connect to the curb line delineated along York Road. 3. Delineated and provided the widths of the existing planting strip and sidewalk along Grand Palisades Parkway up to where the sidewalk connects to the proposed six-foot sidewalk and eight-foot planting strip identified along York Road on Sheet Z-2.0. 4. Indicated an eight-foot planting strip and six-foot sidewalk along Langston Drive. 5. Indicated the minimum five-foot wide internal sidewalk network connecting out to Grand Palisades Parkway, York Road, and Langston Drive. 6. Provided an “Architectural Standards” note on Sheet Z-1.0 that indicates the first floor of the building elevations facing York Road will be designed to encourage and complement pedestrian scale activity by providing windows and/or doors and other architecturally articulated facades that prevent expanses of solid walls that exceed 20 feet in length. 7. Removed the note under “Architectural Standards” that states that the “development will be governed by the district regulations of the zoning ordinance for the O-1 district.” 8. Relocated the note regarding zoning buffers under “Environmental Features” to under the “Streetscape and Landscaping” heading. 9. Addressed CDOT comments by providing for an extension of Langston Drive to Grand Palisades Parkway. <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>
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	<p>4. <u>Petition No. 2013-014</u> (Council District 7 – Cooksey) by Lisa Hoover-Khojasteh and Mak Khojasteh for a change in zoning for approximately 1.26 acres located on the north side of Ballantyne Commons Parkway across from Williams Pond Lane from R-3 to O-1(CD).</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended Streetscape and Landscape Note B to specify the required Class C buffer and the option to reduce it by 25% if a wall or fence is provided. 2. Labeled the required Class C buffer along all affected property lines on the site plan. 3. Removed reference to utilization of gravel to widen the existing driveway. 4. Removed all references to a "Potential Future Connection Ref. Rezoning Petition #2008-139", including Transportation Note E and associated depiction. 5. Addressed the Transportation comment by removing Type II Commercial language from site plan. 6. Removed labeling on site plan associated with Transportation comment <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
<p>Protests Sufficient</p>	<p>5. <u>Petition No. 2013-015</u> (Council District 6 – Dulin) by Park South of Union, LLC for a change in zoning for approximately 4.99 acres located on the west side of Park South Drive between Archdale Drive and Teversham Lane from R-3 to UR-2(CD).</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Labeled possible detention area. 2. Labeled the potential tree save area as a 'landscape buffer and tree save area'. 3. Added a note indicating that the tree save area will be generally 30 feet wide and no less than 15 feet wide. 4. Removed the private street cross-section from the site plan. 5. Added the proposed curb and gutter along Park South Drive to the site plan. 6. Added a note that accessory uses may be located in the space between the primary building envelope and the potential tree save and tree planting area. 7. Staff has removed the request for the eight-foot planting strip and six-foot sidewalk on the opposite side of the street <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p>Deferral (to July)</p>	<p>6. <u>Petition No. 2013-026</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify density requirements in the Pedestrian Overlay District.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their June 26, 2013 meeting.</p> <p>Staff recommends a two-month deferral of this petition to further review the text amendment.</p> <p>Attachment 6</p>

<p>Protest Invalid</p>	<p>7. <u>Petition No. 2013-027</u> (Council District 1 - Kinsey) by Gateway Communities for a UR-2(CD)(HD-O) site plan amendment, for approximately 1.1 acres located at the north corner of the intersection of East Tremont Avenue and Euclid Avenue.</p> <p>This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and the <i>Dilworth Land Use and Streetscape Plan</i> and to be reasonable in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Indicated "Rezoning Petition Number 2013-027" within the title block. 2. Modified the "Existing Zoning" as "UR-2(CD) HD-O (Dilworth)". 3. Modified the "Proposed Zoning" as "UR-2(CD) SPA HD-O (Dilworth)". 4. Modified the proposed on-street parking along Euclid Avenue so that it starts a minimum of 20 feet from the radius of the proposed Type II modified driveway. 5. Reduced the height of the side of the building along Euclid Avenue from three to two floors. 6. Expanded the rear corner of the building on the northeastern side of the site by relocating the three units that were previously on the third floor along Euclid Avenue. 7. Reduced the number of surface parking spaces from 57 to 55 to accommodate the building expansion. 8. Indicated additional evergreen planting/screening along a portion of the northeastern property line abutting single family. 9. Reduced the number of units from 54 to 52. <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
	<p>8. <u>Petition No. 2013-033</u> (Council District 4 - Barnes) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.437 acres located on the west side of North Tryon Street at the intersection of J.W. Clay Boulevard and North Tryon Street from B-1(CD) to TOD-M.</p> <p>This petition is found to be consistent with the <i>University City Area Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. <u>Petition No. 2013-035</u> (Council District 3 - Mayfield) by Summit Avenue Freedom Drive, LLC for a change in zoning for approximately 0.494 acres located on the southwest corner at the intersection of West Morehead Street, Freedom Drive, and Walnut Avenue from B-1(PED) to B-1(PED-O).</p> <p>This petition is found to be consistent with the <i>West Morehead Land Use & Pedscape Plan</i> and to be reasonable in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Modified the parking requirement under "Development Data" to indicate per the Charlotte Zoning Ordinance except one space per 200 square feet for restaurant uses as per the optional provision. 2. Added the follow optional provision: "Allow parking and maneuvering between the building/use and the setback along West Morehead Street". 3. Modified optional provision "B" as follows: "Modify the <u>minimum</u> parking ratio to 1 parking space per 200 S.F. <u>for restaurant uses</u>".

<p>2013-35 continued</p>	<ol style="list-style-type: none"> 4. Eliminated the optional provision to allow parking and maneuvering to encroach into the 22-foot setback along West Morehead Street; therefore, eliminating the issue regarding providing a measurement of the encroachment. 5. Clarified that the existing pole sign under optional provision "D", includes a four sided and two sided component, clarified what portions of the sign are to remain, and indicated the sign panels are allowed to be changed. <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
	<p>10. <u>Petition No. 2013-037</u> (Council District 1 – Kinsey) by Wendwood Parcel for a change in zoning for approximately 3.70 acres located between Randolph Road and Wendwood Lane near the intersection of Randolph Road, North Wendover Road and South Wendover Road from R-3 and UR-2(CD) to UR-2(CD) and UR-2(CD) SPA.</p> <p>This petition is found to be consistent with the requested density of the <i>South District Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed "Townhome style" from the Site Development Data and Note 2a. 2. Added the proposed usable common open space for the residents to the plan. 3. Added a note listing the materials and design of the proposed structures fronting along Wendwood Lane. 4. Removed the Private Street and Private Alley cross sections from the plan. 5. Added the proposed driveways and labeled that they will be either a minimum of 20 feet long or no greater than a maximum of seven feet from the garage to the proposed alley. 6. Added and labeled the 400-foot sub lot requirement for the proposed townhomes to the plan. 7. Added the Petition number 2013-037 to the site plan. 8. Removed note 6A per Storm Water Services and added a note that the site will comply with PCCO. 9. Added that non-residential uses in the UR-2 zoning district are not allowed. 10. Added a six-foot sidewalk and a planting strip in accordance with the tree ordinance along Wendwood Lane. 11. Added language stating 65% of the building material will be masonry product. 12. Added that the side of the units facing Sterling Magnolia apartments will be a masonry material. 13. Added that no circulation or parking except for possible fire access will be allowed between the subject property and Sterling Magnolia apartments. 14. Added that exterior flood lights will not be allowed on the units adjacent to Sterling Magnolia apartments. <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p>11. <u>Petition No. 2013-038</u> by Charlotte Area Transit System for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the information and advertising pillar sign regulations by removing information and advertising pillar signs on rapid transit platforms.</p> <p>This petition is found to be consistent with adopted policies and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>

HEARINGS

	<p>12. Petition No. 2013-018 (Council District 2 – Mitchell) by Ralph Wood for a change in zoning for approximately 4.99 acres located northeast of the intersection at Mount Holly Road and Interstate 485 along the east side of Gum Branch Road from R-3(LWPA) to MUDD-O(LWPA).</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 12</p>
<p>Request to Withdraw</p>	<p>13. Petition No. 2013-036 (Council District 2 – Mitchell) by C4 Development, LLC for a change in zoning for approximately 1.31 acres located on the east side of Valleydale Road, on the west side of Bellhaven Boulevard and across from the intersection of Coulwood Drive and Valleydale Road from O-1(CD)(LWPA) and B-1(CD)(LWPA) to B-1(CD)(LWPA) and B-1(CD)SPA (LWPA).</p> <p>Petitioner is requesting withdrawal of this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2013-040 (Council District 1 – Kinsey) by James P. Ngo & Yen M. Ngo for a change in zoning for approximately 0.71 acres located on the west side of West Sugar Creek Road across from Munsee Street from R-4 to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 14</p>
	<p>15. Petition No. 2013-041 (Council District 3 – Mayfield) by MSC Development, LLC for a change in zoning for approximately 1.02 acres located on the southern corner at the intersection of Griffith Street and South Tryon Street from I-2 to I-2(TS-O).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2013-042 (Council District 3 – Mayfield) by Paul Kardous for a change in zoning for approximately 1.42 acres located on the east side of South Mint Street between West Bland Street and Lincoln Street from TOD-MO to I-1 TS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2013-043 (Council District 1 – Kinsey) by Novant Health, Inc. for a MUDD-O site plan amendment, for approximately 6.4 acres located at the intersection of Queens Road and East 4th Street and generally bounded by Queens Road, East 4th Street, East 3rd Street, and South Caswell Road.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>

	<p>18. <u>Petition No. 2013-044</u> (Council District 6 – Dulin) by Wendy Field, WFG Associates, LLC for a change in zoning for approximately 4.26 acres located on the east side of Providence Road between South Wendover Road and Providence Drive from R-3 to R-8MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
Deferral (to June)	<p>19. <u>Petition No. 2013-045</u> (Council District 3 – Mayfield) by CSL Suttle Avenue, LLC for a change in zoning for approximately 23.5 acres located on the north side of Wilkinson Boulevard along Suttle Avenue and Interstate 77 from I-2 to MUDD.</p> <p>The petitioner is requesting a one-month deferral of this petition to address issues.</p> <p>Staff recommends one month deferral of this petition to the June 17, 2013 Council Meeting.</p> <p>Attachment 19</p>
	<p>20. <u>Petition No. 2013-046</u> (Council District 4 – Barnes) by BECO South for a change in zoning for approximately 18.22 acres located near the southwest corner of the intersection of West W.T. Harris Drive and Interstate 85 and generally bounded by IBM Drive from RE-2 to RE-3.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. <u>Petition No. 2013-048</u> (Council District 7 – Cooksey) by Elevation Church for a change in zoning for approximately 22.15 acres located on the east and west side of Lancaster Highway and at the intersection of Lancaster Highway and Johnston Road from R-17MF(CD) and NS to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. <u>Petition No. 2012-049</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the maximum size of wall signs in the PED, TOD and TS zoning districts if a ground mounted or monument sign is are not utilized.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p>23. <u>Petition No. 2013-050</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add breweries as a use allowed under prescribed conditions in the MUDD, UMUD, TOD-E and TOD-M zoning districts and in the PED and TS Overlay zoning districts, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p>